



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1122/2 3

JTK:eev:jm

Stays

DOA:.....Bong, BB0355 – Facility design services provided to agencies by
DOA

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

proof ✓

don't gen

1

AN ACT ...; relating to: facility design services for state agencies.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill permits DOA to provide facility design services to state agencies. The bill permits DOA to assess a fee to any agencies for which DOA performs those services. Currently, DOA does not have this authority. The bill also transfers the functions of DATCP, DNR, DOT, and DWD that relate to facility design services to DOA. In addition, the bill transfers to DOA one full-time equivalent position each from DATCP, DNR, DOT, and DWD that currently has primary responsibility for providing facility design services as well as the incumbent employees in these positions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 16.849 of the statutes is created to read:

1 **16.849 Facility design services for state agencies.** The department may
2 provide facility design services to agencies, as defined in s. 16.70 (1e). The
3 department may assess a fee to agencies for which the department performs services
4 under this section.

5 **SECTION 2.** 20.505 (5) (ka) of the statutes is amended to read:

6 20.505 (5) (ka) *Facility operations and maintenance; police and protection*
7 *functions.* The amounts in the schedule for the purpose of financing the costs of
8 operation of state-owned or operated facilities that are not funded from other
9 appropriations, including custodial and maintenance services; for minor projects; for
10 utilities, fuel, heat and air conditioning; for assessments levied by the department
11 under s. 16.847 (3) for costs incurred and savings generated at departmental
12 facilities; for facility design services provided to agencies under s. 16.849; and for
13 costs incurred under ss. 16.858 and 16.895 by or on behalf of the department; and for
14 police and protection functions under s. 16.84 (2) and (3). All moneys received from
15 state agencies for the operation of such facilities, from parking rental fees
16 established under s. 16.843 (2) (bm) and miscellaneous other sources, ~~all moneys~~
17 ~~received from assessments under s. 16.895, all moneys received for~~ from the
18 performance of gaming protection functions under s. 16.84 (3), and from the fees
19 assessed under s. 16.849, and all moneys transferred from the appropriation account
20 under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

21 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
22 **Consumer Protection.**

23 (1) TRANSFER OF FACILITY DESIGN SERVICES.

24 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
25 liabilities of the department of agriculture, trade and consumer protection that are

1 primarily related to facility design services, as determined by the secretary of
2 administration, shall become assets and liabilities of the department of
3 administration.

4 (b) *Positions and employees.*

5 1. On the effective date of this subdivision, 1.0 ~~PR~~ ^{FED} position in the department
6 of agriculture, trade and consumer protection having primary responsibility for
7 facility design services, as determined by the secretary of administration, is
8 transferred to the department of administration and shall become 1.0 ~~PR~~ ^{PR-S} position in
9 the department of administration.

10 2. The incumbent employee in the position specified in subdivision 1. is
11 transferred on the effective date of this subdivision to the department of
12 administration.

13 3. The employee transferred under subdivision 2. has all the rights and the
14 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
15 statutes that the employee enjoyed in the department of agriculture, trade and
16 consumer protection immediately before the transfer. Notwithstanding section
17 230.28 (4) of the statutes, if the employee has attained permanent status in class
18 immediately before the transfer, the employee is not required to serve a probationary
19 period.

20 (c) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of agriculture, trade
22 and consumer protection that is primarily related to facility design services, as
23 determined by the secretary of administration, is transferred to the department of
24 administration.

1 (d) *Contracts*. All contracts entered into by the department of agriculture,
2 trade and consumer protection that are primarily related to facility design services,
3 as determined by the secretary of administration, are transferred to the department
4 of administration. The department of administration shall carry out any contractual
5 obligations under such a contract until the contract is modified or rescinded by the
6 department of administration to the extent allowed under the contract.

7 (e) *Pending matters*. Any matter pending with the department of agriculture,
8 trade and consumer protection that is primarily related to facility design services on
9 the effective date of this paragraph is transferred to the department of
10 administration and all materials submitted to and actions taken by the department
11 of agriculture, trade and consumer protection with respect to the pending matter are
12 considered as having been submitted to or taken by the department of
13 administration.

14 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

15 (1) TRANSFER OF FACILITY DESIGN SERVICES.

16 (a) *Assets and liabilities*. On the effective date of this paragraph, all assets and
17 liabilities of the department of natural resources that are primarily related to facility
18 design services, as determined by the secretary of administration, shall become
19 assets and liabilities of the department of administration.

20 (b) *Positions and employees*.

21 1. On the effective date of this subdivision, 1.0 SEG position in the department
22 of natural resources having primary responsibility for facility design services, as
23 determined by the secretary of administration, is transferred to the department of
24 administration and shall become 1.0 PR position in the department of
25 administration.

1 2. The incumbent employee in the position specified in subdivision 1. is
2 transferred on the effective date of this subdivision to the department of
3 administration.

4 3. The employee transferred under subdivision 2. has all the rights and the
5 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
6 statutes that the employee enjoyed in the department of natural resources
7 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
8 if the employee attained permanent status in class immediately before the transfer,
9 the employee is not required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of natural resources
12 that is primarily related to facility design services, as determined by the secretary
13 of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of natural resources
15 that are primarily related to facility design services, as determined by the secretary
16 of administration, are transferred to the department of administration. The
17 department of administration shall carry out any contractual obligations under such
18 a contract until the contract is modified or rescinded by the department of
19 administration to the extent allowed under the contract.

20 (e) *Pending matters.* Any matter pending with the department of natural
21 resources that is primarily related to facility design services on the effective date of
22 this paragraph is transferred to the department of administration and all materials
23 submitted to and actions taken by the department of natural resources with respect
24 to the pending matter are considered as having been submitted to or taken by the
25 department of administration.

SECTION 9145. Nonstatutory provisions; Transportation.**(1) TRANSFER OF FACILITY DESIGN SERVICES.**

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of transportation that are primarily related to facility design services, as determined by the secretary of administration, shall become assets and liabilities of the department of administration.

(b) Positions and employees.

1. On the effective date of this subdivision, 1.0 SEG position in the department of transportation having primary responsibility for facility design services, as determined by the secretary of administration, is transferred to the department of administration and shall become 1.0 PR position in the department of administration.

2. The incumbent employee in the position specified in subdivision 1. is transferred on the effective date of this subdivision to the department of administration.

3. The employee transferred under subdivision 2. has all the rights and the same status under subchapter V of chapter 111 of the statutes and chapter 230 of the statutes that the employee enjoyed in the department of transportation immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes, if the employee has attained permanent status in class immediately before the transfer, the employee is not required to serve a probationary period.

(c) *Tangible personal property.* On the effective date of this paragraph, all tangible personal property, including records, of the department of transportation that is primarily related to facility design services, as determined by the secretary of administration, is transferred to the department of administration.

1 (d) *Contracts.* All contracts entered into by the department of transportation
2 that are primarily related to facility design services, as determined by the secretary
3 of administration, are transferred to the department of administration. The
4 department of administration shall carry out any contractual obligations under such
5 a contract until the contract is modified or rescinded by the department of
6 administration to the extent allowed under the contract.

7 (e) *Pending matters.* Any matter pending with the department of
8 transportation that is primarily related to facility design services on the effective
9 date of this paragraph is transferred to the department of administration and all
10 materials submitted to and actions taken by the department of transportation with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of administration.

13 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

14 (1) **TRANSFER OF FACILITY DESIGN SERVICES.**

15 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
16 liabilities of the department of workforce development that are primarily related to
17 facility design services, as determined by the secretary of administration, shall
18 become assets and liabilities of the department of administration.

19 (b) *Positions and employees.*

20 1. On the effective date of this subdivision, 1.0 PR position in the department
21 of workforce development having primary responsibility for facility design services,
22 as determined by the secretary of administration, is transferred to the department
23 of administration and shall become 1.0 PR position in the department of
24 administration.

1 2. The incumbent employee in the position specified in subdivision 1. is
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3 administration.

4 3. The employee transferred under subdivision 2. has all the rights and the
5 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
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7 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
8 if the employee attained permanent status in class immediately before the transfer,
9 the employee is not required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of workforce
12 development that is primarily related to facility design services, as determined by
13 the secretary of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of workforce
15 development that are primarily related to facility design services, as determined by
16 the secretary of administration, are transferred to the department of administration.
17 The department of administration shall carry out any contractual obligations under
18 such a contract until the contract is modified or rescinded by the department of
19 administration to the extent allowed under the contract.

20 (e) *Pending matters.* Any matter pending with the department of workforce
21 development that is primarily related to facility design services on the effective date
22 of this paragraph is transferred to the department of administration and all
23 materials submitted to and actions taken by the department of workforce

1 development with respect to the pending matter are considered as having been
2 submitted to or taken by the department of administration.

3 (END)

Kuesel, Jeffery

To: Bong, Sasha E - DOA
Subject: RE: BB0355 (LRB-1122)

Sasha,
I will take care of it.

Jeff

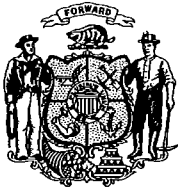
From: Bong, Sasha E - DOA [<mailto:SashaE.Bong@wisconsin.gov>]
Sent: Friday, February 01, 2013 11:34 AM
To: Kuesel, Jeffery
Cc: Kraus, Jennifer - DOA
Subject: BB0355 (LRB-1122)

Jeff,

I received the latest version of BB0355 (Facility design services provided to agencies by DOA), and am wondering if you could please change Sections 9132(1)(b), 9145(1)(b), and 9151(1)(b) so that each of the positions shall become a PR-S position in DOA. Section 9102(1)(b) is correct as drafted.

Thanks,

Sasha



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1122/4 4

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12 facilities; for facility design services provided to agencies under s. 16.849; and for
13 costs incurred under ss. 16.858 and 16.895 by or on behalf of the department; and for
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17 ~~received from assessments under s. 16.895, all moneys received for~~ from the
18 performance of gaming protection functions under s. 16.84 (3), and from the fees
19 assessed under s. 16.849, and all moneys transferred from the appropriation account
20 under s. 20.865 (2) (e) for this purpose shall be credited to this appropriation account.

21 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**
22 **Consumer Protection.**

23 (1) TRANSFER OF FACILITY DESIGN SERVICES.

24 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
25 liabilities of the department of agriculture, trade and consumer protection that are

1 primarily related to facility design services, as determined by the secretary of
2 administration, shall become assets and liabilities of the department of
3 administration.

4 (b) *Positions and employees.*

5 1. On the effective date of this subdivision, 1.0 FED position in the department
6 of agriculture, trade and consumer protection having primary responsibility for
7 facility design services, as determined by the secretary of administration, is
8 transferred to the department of administration and shall become 1.0 PR-S position
9 in the department of administration.

10 2. The incumbent employee in the position specified in subdivision 1. is
11 transferred on the effective date of this subdivision to the department of
12 administration.

13 3. The employee transferred under subdivision 2. has all the rights and the
14 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
15 statutes that the employee enjoyed in the department of agriculture, trade and
16 consumer protection immediately before the transfer. Notwithstanding section
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19 period.

20 (c) *Tangible personal property.* On the effective date of this paragraph, all
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14 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

15 (1) TRANSFER OF FACILITY DESIGN SERVICES.

16 (a) *Assets and liabilities*. On the effective date of this paragraph, all assets and
17 liabilities of the department of natural resources that are primarily related to facility
18 design services, as determined by the secretary of administration, shall become
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20 (b) *Positions and employees*.

21 1. On the effective date of this subdivision, 1.0 SEG position in the department
22 of natural resources having primary responsibility for facility design services, as
23 determined by the secretary of administration, is transferred to the department of
24 administration and shall become 1.0 ~~VR~~^{PR-S} position in the department of
25 administration.

1 2. The incumbent employee in the position specified in subdivision 1. is
2 transferred on the effective date of this subdivision to the department of
3 administration.

4 3. The employee transferred under subdivision 2. has all the rights and the
5 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
6 statutes that the employee enjoyed in the department of natural resources
7 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
8 if the employee attained permanent status in class immediately before the transfer,
9 the employee is not required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of natural resources
12 that is primarily related to facility design services, as determined by the secretary
13 of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of natural resources
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16 of administration, are transferred to the department of administration. The
17 department of administration shall carry out any contractual obligations under such
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23 submitted to and actions taken by the department of natural resources with respect
24 to the pending matter are considered as having been submitted to or taken by the
25 department of administration.

1 **SECTION 9145. Nonstatutory provisions; Transportation.**

2 (1) TRANSFER OF FACILITY DESIGN SERVICES.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of transportation that are primarily related to facility
5 design services, as determined by the secretary of administration, shall become
6 assets and liabilities of the department of administration.

7 (b) *Positions and employees.*

8 1. On the effective date of this subdivision, 1.0 SEG position in the department
9 of transportation having primary responsibility for facility design services, as
10 determined by the secretary of administration, is transferred to the department of
11 administration and shall become 1.0 ^{PR-5} ~~PR~~_A position in the department of
12 administration.

13 2. The incumbent employee in the position specified in subdivision 1. is
14 transferred on the effective date of this subdivision to the department of
15 administration.

16 3. The employee transferred under subdivision 2. has all the rights and the
17 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
18 statutes that the employee enjoyed in the department of transportation immediately
19 before the transfer. Notwithstanding section 230.28 (4) of the statutes, if the
20 employee has attained permanent status in class immediately before the transfer,
21 the employee is not required to serve a probationary period.

22 (c) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of transportation
24 that is primarily related to facility design services, as determined by the secretary
25 of administration, is transferred to the department of administration.

1 (d) *Contracts*. All contracts entered into by the department of transportation
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3 of administration, are transferred to the department of administration. The
4 department of administration shall carry out any contractual obligations under such
5 a contract until the contract is modified or rescinded by the department of
6 administration to the extent allowed under the contract.

7 (e) *Pending matters*. Any matter pending with the department of
8 transportation that is primarily related to facility design services on the effective
9 date of this paragraph is transferred to the department of administration and all
10 materials submitted to and actions taken by the department of transportation with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of administration.

13 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

14 (1) TRANSFER OF FACILITY DESIGN SERVICES.

15 (a) *Assets and liabilities*. On the effective date of this paragraph, the assets and
16 liabilities of the department of workforce development that are primarily related to
17 facility design services, as determined by the secretary of administration, shall
18 become assets and liabilities of the department of administration.

19 (b) *Positions and employees*.

20 1. On the effective date of this subdivision, 1.0 PR position in the department
21 of workforce development having primary responsibility for facility design services,
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23 of administration and shall become 1.0 ~~PR~~ ^{PR-S} position in the department of
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10 (c) *Tangible personal property.* On the effective date of this paragraph, all
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12 development that is primarily related to facility design services, as determined by
13 the secretary of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of workforce
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17 The department of administration shall carry out any contractual obligations under
18 such a contract until the contract is modified or rescinded by the department of
19 administration to the extent allowed under the contract.

20 (e) *Pending matters.* Any matter pending with the department of workforce
21 development that is primarily related to facility design services on the effective date
22 of this paragraph is transferred to the department of administration and all
23 materials submitted to and actions taken by the department of workforce

3 (END)



State of Wisconsin
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22 **Consumer Protection.**

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24 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
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2 administration, shall become assets and liabilities of the department of
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7 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
8 if the employee attained permanent status in class immediately before the transfer,
9 the employee is not required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of natural resources
12 that is primarily related to facility design services, as determined by the secretary
13 of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of natural resources
15 that are primarily related to facility design services, as determined by the secretary
16 of administration, are transferred to the department of administration. The
17 department of administration shall carry out any contractual obligations under such
18 a contract until the contract is modified or rescinded by the department of
19 administration to the extent allowed under the contract.

20 (e) *Pending matters.* Any matter pending with the department of natural
21 resources that is primarily related to facility design services on the effective date of
22 this paragraph is transferred to the department of administration and all materials
23 submitted to and actions taken by the department of natural resources with respect
24 to the pending matter are considered as having been submitted to or taken by the
25 department of administration.

1 **SECTION 9145. Nonstatutory provisions; Transportation.**

2 (1) TRANSFER OF FACILITY DESIGN SERVICES.

3 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
4 liabilities of the department of transportation that are primarily related to facility
5 design services, as determined by the secretary of administration, shall become
6 assets and liabilities of the department of administration.

7 (b) *Positions and employees.*

8 1. On the effective date of this subdivision, 1.0 SEG position in the department
9 of transportation having primary responsibility for facility design services, as
10 determined by the secretary of administration, is transferred to the department of
11 administration and shall become 1.0 PR-S position in the department of
12 administration.

13 2. The incumbent employee in the position specified in subdivision 1. is
14 transferred on the effective date of this subdivision to the department of
15 administration.

16 3. The employee transferred under subdivision 2. has all the rights and the
17 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
18 statutes that the employee enjoyed in the department of transportation immediately
19 before the transfer. Notwithstanding section 230.28 (4) of the statutes, if the
20 employee has attained permanent status in class immediately before the transfer,
21 the employee is not required to serve a probationary period.

22 (c) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of transportation
24 that is primarily related to facility design services, as determined by the secretary
25 of administration, is transferred to the department of administration.

1 (d) *Contracts*. All contracts entered into by the department of transportation
2 that are primarily related to facility design services, as determined by the secretary
3 of administration, are transferred to the department of administration. The
4 department of administration shall carry out any contractual obligations under such
5 a contract until the contract is modified or rescinded by the department of
6 administration to the extent allowed under the contract.

7 (e) *Pending matters*. Any matter pending with the department of
8 transportation that is primarily related to facility design services on the effective
9 date of this paragraph is transferred to the department of administration and all
10 materials submitted to and actions taken by the department of transportation with
11 respect to the pending matter are considered as having been submitted to or taken
12 by the department of administration.

13 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

14 (1) TRANSFER OF FACILITY DESIGN SERVICES.

15 (a) *Assets and liabilities*. On the effective date of this paragraph, the assets and
16 liabilities of the department of workforce development that are primarily related to
17 facility design services, as determined by the secretary of administration, shall
18 become assets and liabilities of the department of administration.

19 (b) *Positions and employees*.

20 1. On the effective date of this subdivision, 1.0 PR position in the department
21 of workforce development having primary responsibility for facility design services,
22 as determined by the secretary of administration, is transferred to the department
23 of administration and shall become 1.0 PR-S position in the department of
24 administration.

1 2. The incumbent employee in the position specified in subdivision 1. is
2 transferred on the effective date of this subdivision to the department of
3 administration.

4 3. The employee transferred under subdivision 2. has all the rights and the
5 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the
6 statutes that the employee enjoyed in the department of workforce development
7 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
8 if the employee attained permanent status in class immediately before the transfer,
9 the employee is not required to serve a probationary period.

10 (c) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of workforce
12 development that is primarily related to facility design services, as determined by
13 the secretary of administration, is transferred to the department of administration.

14 (d) *Contracts.* All contracts entered into by the department of workforce
15 development that are primarily related to facility design services, as determined by
16 the secretary of administration, are transferred to the department of administration.
17 The department of administration shall carry out any contractual obligations under
18 such a contract until the contract is modified or rescinded by the department of
19 administration to the extent allowed under the contract.

20 (e) *Pending matters.* Any matter pending with the department of workforce
21 development that is primarily related to facility design services on the effective date
22 of this paragraph is transferred to the department of administration and all
23 materials submitted to and actions taken by the department of workforce

3 (END)